

Added
2001 Jr2 DRAFTING REQUEST

Assembly Amendment (AA61-ASA1-AB1)

Received: **03/14/2002**

Received By: **kunkemd**

Wanted: **As time permits**

Identical to LRB:

For: **Johnnie Morris-Tatum (608) 266-3756**

By/Representing: **Neci**

This file may be shown to any legislator: **NO**

Drafter: **kunkemd**

May Contact:

Addl. Drafters:

Subject: **Cemetery - regulation**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.MorrisTatum@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Cemetery regulation

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

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2001 - 2002 LEGISLATURE

AA to ASA1 to AB1

LRB 424771

MDK:ckj

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2001 ASSEMBLY BILL 776

LPS: please check
for ^{bill section} auto numbers after you
have prepared draft.

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RUN

February 7, 2002 - Introduced by Representatives MORRIS-TATUM, YOUNG, COGGS and WILLIAMS, cosponsored by Senators GEORGE, MOORE and DARLING. Referred to Committee on Small Business and Consumer Affairs.

1 AN ACT *to repeal* 157.062 (9), 157.065 (1) (b) 4., 157.11 (8), 157.11 (11), 157.115
2 (1) (b) 2., 157.115 (1) (c), 157.62 (1) (a) (intro.), (b) and (c), 157.625, 440.90 (14),
3 440.91 (2) (b) and (c), 440.91 (8), 440.92 (3) (a) 1. and 2., 440.92 (10) and 440.95
4 (4) (a); *to renumber* 157.62 (1) (a) 1., 2., 3., 4. and 5., 157.62 (4), 157.62 (5),
5 440.90 (1), 440.92 (2) (title), 440.92 (2) (b), 440.92 (2) (cm), 440.92 (2) (d), 440.92
6 (2) (e), 440.92 (2) (g) and (h), 440.92 (2) (j), 440.92 (5), 440.92 (6) (b) and (c),
7 440.92 (6) (e) and (f) and 440.947 (1) (c); *to renumber and amend* 157.061 (1),
8 157.08 (2) (b), 157.10, 157.11 (9) (a), 157.115 (1) (b) 1., 157.62 (2) (b) 7., 157.62
9 (6), 440.03 (13), 440.91 (1), 440.91 (7), 440.92 (2) (a), 440.92 (2) (am), 440.92 (2)
10 (c), 440.92 (2) (f), 440.92 (2) (i), 440.92 (2) (k), 440.92 (3) (a) (intro.), 440.92 (6)
11 (title), 440.92 (6) (a), 440.92 (6) (d), 440.92 (6) (g), 440.92 (6) (h), 440.92 (6) (i),
12 440.92 (6) (j), 440.92 (6) (k) and 440.92 (7); *to amend* 15.07 (1) (cm), 15.07 (1)
13 (cs), 15.07 (3) (b), 62.23 (7) (c), 69.18 (1) (bm) (intro.), 69.18 (1) (bm) (intro.),
14 69.22 (1) (a), 157.061 (2m), 157.061 (3), 157.061 (11r), 157.061 (15), 157.061

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1 ~~(17), 157.062 (1), 157.062 (2), 157.062 (3), 157.062 (4) (a), 157.062 (5), 157.062~~
2 ~~(6) (b), 157.062 (6) (c), 157.064 (2), 157.064 (6), 157.07 (1), 157.07 (5), 157.07 (6),~~
3 ~~157.08 (1), 157.08 (2) (a), 157.08 (5), 157.10 (title), 157.11 (title), 157.11 (2),~~
4 ~~157.11 (3), 157.11 (4), 157.11 (5), 157.11 (7) (a), 157.11 (7) (b), 157.11 (7) (c),~~
5 ~~157.11 (7) (d), 157.11 (9g) (title), 157.11 (9g) (a) 1. (intro.), 157.11 (9g) (a) 1. c.,~~
6 ~~157.11 (9g) (a) 2., 157.11 (9g) (c), 157.11 (10), 157.115 (title), 157.115 (2) (title),~~
7 ~~157.115 (2) (a) 1. (intro.), 157.115 (2) (a) 1. a., 157.115 (2) (a) 1. b., 157.115 (2)~~
8 ~~(a) 1. c., 157.115 (2) (a) 1. d., 157.115 (2) (a) 1. e., 157.115 (2) (a) 1. g., 157.115~~
9 ~~(2) (a) 2., 157.115 (2) (a) 3., 157.115 (2) (b), 157.115 (2) (c), 157.115 (2) (d) (intro.),~~
10 ~~157.115 (2) (d) 1., 157.115 (2) (d) 3., 157.115 (2) (e), 157.115 (2) (f), 157.115 (2)~~
11 ~~(g), 157.115 (2) (h), 157.12 (2) (b), 157.12 (3) (b), 157.125 (title), 157.125 (2),~~
12 ~~157.128 (2) (a), (b) and (c), 157.128 (3) (b), 157.19 (2) (c), 157.19 (5) (a), 157.60,~~
13 ~~157.62 (2) (a), 157.62 (2) (b) 1., 157.62 (2) (b) 2., 157.62 (3) (a), 157.62 (3) (b) 3.,~~
14 ~~157.62 (4) (title), 157.63 (title), 157.63 (1), 157.63 (2) (b), 157.63 (3), 157.63 (4),~~
15 ~~157.63 (6), 157.635, 157.64 (2) (d), 157.64 (2) (e), 157.65 (1) (a), 157.65 (1) (b),~~
16 ~~157.65 (2), 423.102, 440.03 (1), 440.03 (3), 440.03 (7m), 440.04 (1), 440.04 (2),~~
17 ~~440.04 (3), 440.04 (4), 440.04 (5) (intro.), 440.04 (5) (c), 440.045, 440.05 (intro.),~~
18 ~~440.08 (2) (a) 21., 440.14 (1) (a), 440.14 (2), (3), (4) and (5), 440.22 (1), 440.91 (2)~~
19 ~~(intro.), 440.91 (4), 440.91 (9), 440.91 (10), 440.92 (1) (a), 440.92 (1) (b) (intro.),~~
20 ~~440.92 (1) (e), 440.92 (3) (c) (intro.), 440.92 (4) (title), 440.92 (4) (a) (intro.),~~
21 ~~440.92 (4) (b), 440.92 (9) (title), 440.92 (9) (a), 440.92 (9) (b) 3., 440.92 (9) (c),~~
22 ~~440.92 (9) (e), 440.92 (9) (f), 440.93 (1) (intro.), 440.93 (1) (b), 440.93 (1) (c),~~
23 ~~440.93 (1) (d), 440.93 (1) (f), 440.93 (1) (g), 440.93 (2), 440.945 (1) (a), 440.945~~
24 ~~(2) (a), 440.945 (2) (c), 440.945 (3) (a) (intro.), 440.945 (4) (a) 1., 440.945 (4) (a)~~
25 ~~2., 440.945 (4) (a) 3., 440.945 (4) (a) 4., 440.945 (5) (a), 440.945 (5) (b), 440.947~~

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1 (5), 440.95 (1), 440.95 (2), 440.95 (4) (c) and 440.95 (5); *to repeal and recreate*
2 157.11 (9) (title), 440.91 (2) (a), 440.91 (6m) and 440.92 (1) (title); and *to create*
3 15.07 (1) (b) 23., 15.07 (3) (bm) 5., 15.07 (5) (z), 15.405 (3m), 20.165 (1) (q), 25.17
4 (1) (at), 25.86, 60.61 (2) (j), 69.22 (1) (e) and (f), 69.22 (1r), 157.061 (1b), 157.061
5 (1d), 157.061 (1j), 157.061 (1p), 157.061 (3g), 157.061 (3r), 157.061 (8g), 157.061
6 (8r), 157.061 (14m), 157.061 (15m), 157.063, 157.066, 157.08 (2) (b) 1. a., b., c.
7 and d., 157.08 (2) (b) 2., 157.10 (1) (b), 157.10 (4), 157.11 (1m), 157.11 (9) (am),
8 157.115 (1) (d), 157.117, 157.19 (4m), 157.19 (5) (c), 157.61, 157.62 (2) (b) 1m.,
9 157.62 (3) (c), 157.62 (4) (b), 157.62 (5) (a), 157.62 (6) (b), 157.637, 157.64 (2) (h),
10 157.65 (1) (am), 440.03 (13) (b), 440.08 (2) (a) 21m., 440.13 (2) (d), 440.90 (1b),
11 440.90 (1c), 440.90 (1g), 440.90 (1r), 440.90 (3g), 440.90 (3r), 440.90 (4e), 440.90
12 (4m), 440.90 (4r), 440.90 (10m), 440.90 (10r), 440.91 (1) (b), (c), (d) and (e),
13 440.91 (1m), 440.91 (7) (b), 440.92 (1) (bm), 440.922 (1) (title), (4) (title), (5)
14 (title), (6) (title), (8) (title) and (10) (title), 440.926 (1) (title), (2) (title) and (3)
15 (title), 440.928, 440.929, 440.93 (1) (cm), 440.93 (1m), 440.945 (5) (am), 440.948,
16 440.949, 440.95 (1m) and 440.95 (2m) of the statutes; **relating to:** regulating
17 cemeteries, cemetery associations, cemetery authorities, and cemetery
18 salespersons, sales of certain funeral and burial merchandise and services,
19 creating a cemetery board and a cemetery management insurance fund,
20 granting rule-making authority, requiring the exercise of rule-making
21 authority, and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill makes changes regarding each of the following: 1) the regulation of cemetery authorities, cemetery salespersons, and cemetery preneed sellers; 2) the care of abandoned or neglected cemeteries and mausoleums; 3) reporting and record-keeping requirements applicable to cemetery authorities; 4) care fund

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requirements for cemetery lots; and 5) various other requirements applicable to cemeteries.

Cemetery authorities, cemetery salespersons, and cemetery preneed sellers

Under current law, the department of regulation and licensing (DRL) has various duties regarding the regulation of cemeteries, cemetery salespersons, and cemetery preneed sellers. DRL is also responsible for taking disciplinary action against cemetery authorities, cemetery salespersons, and cemetery preneed sellers who violate certain statutory requirements and rules promulgated by DRL. In addition, with certain exceptions, current law requires cemetery authorities, cemetery salespersons, and cemetery preneed sellers to register with DRL. A "cemetery authority" is a person who owns or operates a cemetery; a "cemetery salesperson" is a person who sells ten or more cemetery lots or mausoleum spaces in a calendar year; and a "cemetery preneed seller" is a person who sells cemetery merchandise and undeveloped mausoleum spaces under preneed contracts. A cemetery authority is exempt from registration under current law if it sells less than ten cemetery lots or mausoleum spaces per year. Also, cemetery salespersons for religious cemeteries do not have to register with DRL and cemetery preneed sellers who work for religious cemeteries do not have to register if the operator of the cemetery files an annual certification with DRL. Other exemptions apply to municipal and nonprofit cemeteries.

This bill creates a cemetery board attached to DRL to investigate and take disciplinary action against cemetery authorities, cemetery salespersons, and preneed sellers. However, the cemetery board has no authority over religious cemeteries, cemetery salespersons who work for religious cemeteries, and cemetery preneed sellers who work for religious cemeteries that file an annual certification with DRL. In addition, the cemetery board does not have any rule-making authority. Instead, the bill allows the cemetery board to comment on any rules that DRL proposes to promulgate regarding cemeteries, cemetery salespersons, or cemetery preneed sellers, except for rules that relate exclusively to religious cemeteries. The cemetery board consists of four business representatives of cemetery authorities, one representative of the department of justice, and two public members. Of the business representative members, one must represent a cemetery authority operated for profit, one must represent a nonprofit cemetery authority, and one must represent a municipal cemetery.

This bill also replaces the registration requirement for cemetery authorities with a licensure requirement. Under the bill, except for a cemetery authority that operates a religious cemetery, a cemetery authority must obtain a separate license from DRL for each cemetery at which it sells 20 or more cemetery lots or other burial spaces in a calendar year or for which it has \$100,000 or more in trust fund accounts. Also, except for a cemetery authority that operates a religious cemetery, a cemetery authority must obtain a license for each cemetery that is five acres or more in size. A cemetery authority that is not required to be licensed under the bill must register with DRL, unless the cemetery authority receives no income, other than gifts, from the sale of lots or services or from trust fund earnings or unless the cemetery authority operates a religious cemetery. There is no exception from the licensure or

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registration requirements for municipal or nonprofit cemeteries. If a cemetery authority licensed under the bill engages in certain transactions regarding changes in ownership or control of the cemetery authority, it must obtain a new license or registration.

The bill also requires cemetery salespersons and preneed sellers to be licensed, rather than registered, by DRL. In addition, the bill requires a person to obtain a cemetery salesperson license if he or she sells 20 or more burial spaces during two calendar years. However, no license is required for a cemetery salesperson who works for a religious cemetery. Also, no license is required for a cemetery preneed seller who works for a religious cemetery if the operator of the cemetery files an annual certification with DRL. Also, the following persons who are exempt from registration under current law must be licensed under the bill: 1) cemetery salespersons who sell cemetery lots or mausoleum spaces in nonreligious cemeteries that are not required to register as cemetery authorities; and 2) preneed sellers for nonprofit cemeteries. However, the bill creates an exception to the requirement to have a cemetery salesperson license for an individual who is supervised by a licensed cemetery salesperson. This exception only applies to individuals who act as cemetery salespersons for cemeteries operated by towns, villages, cities, or fraternal or benevolent societies.

The bill also does each of the following: 1) eliminates references to sale solicitations and applies instead only to actual sales; 2) requires a preneed seller to deposit 40% of each payment of principal received under preneed sales contracts into a preneed trust fund and eliminates the option to deposit a different percentage based on the wholesale cost of the item sold; 3) requires DRL to promulgate rules establishing a code of ethics for operators of licensed cemetery authorities, cemetery salespersons, and cemetery preneed sellers; 4) allows the cemetery board to assess forfeitures against licensed cemetery authorities, cemetery salespersons, and preneed sellers that violate certain requirements and; 5) requires DRL to investigate whether an applicant and specified business associates of the applicant have violated any law relating to the operation or management of a cemetery.

Care of abandoned or neglected cemeteries and mausoleums

Under current law, if the operator of a cemetery fails to care for the cemetery for one year or more, the city, village, or town in which the cemetery is located may, but is not required to, take control of the cemetery. However, if the operator has failed to care for the cemetery for five years or more, the city, village, or town is required to take control of the cemetery. In addition, under certain circumstances, the town board of a town in which an abandoned or neglected cemetery is located may be required to operate the cemetery.

This bill repeals the above provisions and provides instead that, if a city, village, or town determines that a cemetery authority, including the cemetery authority for a religious cemetery, has failed to care for a cemetery for six months or more, the city, village, or town may notify the cemetery authority that it has 90 days to correct the failure. The city, village, or town may give the cemetery authority one 90-day extension of this deadline. If the city, village, or town finds that the cemetery authority failed to correct the failure within the deadline, the city, village, or town

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may, after a public hearing, take control of the cemetery or any other action necessary to provide for the care of the cemetery. A city, village, or town may collect from the cemetery authority any costs incurred in caring for the cemetery.

The bill also provides for the appointment of trustees for cemeteries and mausoleums, except for religious cemeteries and mausoleums. Under the bill, the circuit court for the county in which a cemetery or mausoleum is located may appoint a person, other than DRL or the cemetery board, as a trustee to operate the cemetery or mausoleum. A trustee may be appointed for a cemetery only if a city, village, or town has not adopted a resolution or enacted an ordinance that has the effect of assuming ownership, control, or management of the cemetery. The attorney general may petition the court for such an appointment. The court is required to appoint a trustee if the court finds, after a hearing, that the cemetery or mausoleum is neglected, abandoned, in disuse, improperly maintained, or financially unsound.

The bill also allows the owner of the cemetery or mausoleum to petition the court to transfer title of the cemetery or mausoleum to a new owner, other than the state.

The bill requires a trustee that is appointed to operate the cemetery or mausoleum and comply with the reporting requirements that apply to operators of cemeteries under current law as affected by the bill. The bill allows a trustee to seek a new owner or operator of the cemetery or mausoleum, to use the procedure under current law for assessing cemetery lots for cleaning, care, or improvement purposes, and to take any other action necessary or useful to the management or trusteeship of the cemetery or mausoleum. In addition, the trustee may petition the court for the following: 1) transfer of ownership of the cemetery or mausoleum to a new owner, other than the state; 2) reversion of ownership and operation of the cemetery or mausoleum to the previous owner; or 3) closure of the cemetery or mausoleum after removal and reinternment of human remains.

The court that appointed a trustee under the bill is required to terminate the trusteeship if the owner or operator of the cemetery or mausoleum demonstrates that the conditions that necessitated the trusteeship have been remedied. The court may also terminate the trusteeship if the court finds that a new owner or operator, other than the state, is competent and capable of managing the cemetery or mausoleum or if the court approves the closure of the cemetery or mausoleum.

The bill also creates a cemetery management insurance fund that may be used by a trustee to exercise its powers and carry out its duties under the bill. The fund consists of moneys collected from the following: 1) a \$10 filing fee for death certificates; and 2) a \$1 surcharge on copies of death certificates. DRL is required to promulgate rules that establish procedures and requirements for the cemetery board to make disbursements from the fund to trustees.

Cemetery reports and records

Under current law, with certain exceptions, cemetery authorities must submit annual reports to DRL that include financial and other information. Exempt from such requirements are cemetery authorities with annual operating budgets of \$2,500 or less and certain nonprofit cemetery authorities. In addition, cemetery authorities

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for religious cemeteries may submit an annual certification to DRL, rather than the annual report.

Under this bill, any cemetery authority that is required to be licensed by DRL must submit the annual report. In addition, as under current law, a religious cemetery authority must submit an annual report unless the cemetery authority submits an annual certification to DRL. Also, the bill makes other changes regarding the reports, including the following: 1) the bill allows DRL to promulgate rules establishing minimum standards for certain records used to prepare the reports; 2) the bill eliminates a requirement under current law for certain cemetery associations to submit annual reports to the department of financial institutions; and 3) the bill requires licensed cemetery authorities to maintain records regarding the location of burial spaces.

Care funds and preneed trust funds

The bill also makes changes to current law regarding care funds for cemetery lots and preneed trust funds that are paid to preneed sellers under preneed contracts.

With respect to care funds, the requirements that apply to cemetery lots under current law apply to any burial space under the bill. Also, the bill eliminates the exemption from the requirements under current law that applies to nonprofit cemeteries. However, the bill maintains the exemption under current law that applies to religious cemeteries. In addition, the bill makes other changes, including the following: 1) the bill eliminates the exemption for certain nonprofit cemeteries from the requirement under current law to deposit 15% of each payment of principal on a cemetery lot into a care fund; and 2) the bill requires similar deposits into care funds for sales of lawn crypts or columbarium spaces, in addition to sales of cemetery lots.

The bill also requires DRL to request proposals from financial institutions located in this state for the purpose of selecting a financial institution that cemetery authorities and preneed sellers may use as the trustee for care funds and preneed trust funds. A cemetery authority or preneed seller is not required to use the trustee selected by DRL, unless DRL determines that the cemetery authority or preneed seller has violated any requirement regarding care funds or preneed trust funds.

Other changes

The bill makes other changes to current law regarding cemeteries, including the following:

1. The bill replaces certain references to "cemetery lot" with "burial space" and defines "burial space" as any space used or intended to be used for the burial of human remains, including by entombment, inurnment, interment, or placement in a mausoleum, vault, crypt, or columbarium.

2. The bill requires DRL approval before a cemetery authority may do any of the following: sell or encumber cemetery land; transfer ownership or control of 50% or more of the assets or stock of the cemetery; engage in a transaction that results in a person acquiring ownership or control of 50% or more of the stock of the cemetery; or transfer responsibility for management or operation of the cemetery authority.

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Only religious cemetery authorities and cemetery authorities that are not required to be licensed are exempt from this requirement.

3. The bill allows DRL to apply to a court for an injunction to prohibit a person from acquiring ownership or control of a cemetery, including a religious cemetery, if the person has abandoned another cemetery or has owned or operated another cemetery that is subsequently controlled by a municipality.

4. The bill imposes certain requirements on agreements for purchasing burial spaces from cemetery authorities, other than religious cemetery authorities.

5. The bill requires DRL to promulgate rules for the approval of cemetery merchandise warehouses located in and outside the state. Under current law, authority to approve in-state warehouses rests primarily with the department of agriculture, trade and consumer protection.

6. The bill allows DRL or the cemetery board to require registered or licensed cemetery authorities to conduct independent audits if DRL has cause to believe that the cemetery authority has not complied with certain requirements regarding trust funds and accounts.

7. The bill allows a person to convey an interest in a burial space to a spouse, child, brother, sister, or parent without the consent of a cemetery authority, which is required under current law. However, this provision does not apply if the spouse, child, brother, sister, or parent is in a class whose burial is prohibited in a religious cemetery.

8. The bill creates an exception for religious cemeteries from a current law that provides that the human remains of a husband, wife, or relative of a person with an interest in a burial space may be buried in the space. Under the bill, this provision does not apply if the husband, wife, or relative is in a class whose burial is prohibited in a religious cemetery. Also, the bill clarifies that "relative" includes a brother or sister.

9. The bill requires DRL to promulgate rules interpreting the requirements regarding interests in burial spaces. In addition, DRL must promulgate rules that require a person who transfers an interest in a burial space to provide the transferee with a written notice, prepared by DRL, that describes those requirements.

10. The bill requires a cemetery authority, other than a religious cemetery authority, to maintain a cemetery in a reasonable manner at all times.

11. The bill eliminates a requirement under current law for a cemetery authority to increase its surety bonds to cover gifts that are received and requires instead that a cemetery authority maintain a gift ledger accounting for all receipts and disbursements of gifts.

12. The bill requires a person who provides an outer burial container or casket to a cemetery authority for the burial of human remains to identify the decedent on the exterior of the container or casket. This requirement does not apply to outer burial containers and caskets provided to religious cemetery authorities.

13. The bill allows a city, village, or town to enact and enforce an ordinance that allows a person to bury human remains in a burial space that is not located in a cemetery. If a city, village, or town has not enacted such an ordinance, a person may

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not bury human remains in the city, village, or town in a burial space that is not located in a cemetery.

14. The bill increases the penalty for violating requirements regarding the reburial of human remains to a fine of no more than \$1,000, imprisonment for no more than 90 days, or both. Under current law, the penalty is a forfeiture of no more than \$200.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

. Page 8 , line 21 : after that line insert:

1 ~~SECTION 1.~~ 15.07 (1) (b) 23. of the statutes is created to read:

2 15.07 (1) (b) 23. Cemetery board.

3 ~~SECTION 2.~~ 15.07 (1) (cm) of the statutes is amended to read:

4 15.07 (1) (cm) The term of one member of the ethics board shall expire on each
5 May 1. The terms of 3 members of the development finance board appointed under
6 s. 15.155 (1) (a) 6. shall expire on May 1 of every even-numbered year and the terms
7 of the other 3 members appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of
8 every odd-numbered year. The terms of the 3 members of the land and water
9 conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1.
10 The term of the member of the land and water conservation board appointed under
11 s. 15.135 (4) (b) 2m. shall expire on May 1 of an even-numbered year. The terms of
12 members of the real estate board shall expire on July 1. The terms of the appraiser
13 members of the real estate appraisers board and the terms of the auctioneer and
14 auction company representative members of the auctioneer board shall expire on
15 May 1 in an even-numbered year. The terms of the cemetery authority business
16 representative members of the cemetery board shall expire on May 1 in an
17 even-numbered year.

18 ~~SECTION 3.~~ 15.07 (1) (cs) of the statutes is amended to read:

13L

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1 15.07 (1) (cs) No member of the auctioneer board, cemetery board, real estate
2 appraisers board, or real estate board may be an officer, director, or employee of a
3 private organization that promotes or furthers any profession or occupation
4 regulated by that board.

5 SECTION ~~4~~^{13p} 15.07 (3) (b) of the statutes is amended to read:

6 15.07 (3) (b) Except as provided in par. (bm), each board not covered under par.
7 (a) shall meet annually, and may meet at other times on the call of the chairperson
8 or a majority of its members. The auctioneer board, the cemetery board, the real
9 estate board, and the real estate appraisers board shall also meet on the call of the
10 secretary of regulation and licensing or his or her designee within the department.

11 SECTION ~~5~~^{13e} 15.07 (3) (bm) 5. of the statutes is created to read:

12 15.07 (3) (bm) 5. The cemetery board shall meet at least 4 times each year.

13 SECTION ~~6~~^{13x} 15.07 (5) (z) of the statutes is created to read:

14 15.07 (5) (z) Members of the cemetery board, \$25 per day. "

Page 10, line 8 : after that line insert:

15 SECTION ~~7~~^{14j} 15.405 (3m) of the statutes is created to read:

16 15.405 (3m) CEMETERY BOARD. (a) In this subsection:

- 17 1. "Business representative" has the meaning given in s. 452.01 (3k).
18 2. "Licensed cemetery authority" has the meaning given in s. 157.061 (8r).
19 3. "Religious cemetery authority" has the meaning given s. 157.061 (15m).

20 (b) There is created a cemetery board, attached to the department of regulation
21 and licensing under s. 15.03, consisting of the following members appointed for
22 4-year terms:

- 23 1. Four members, each of whom is a business representative of a licensed
24 cemetery authority.

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1 2. A representative of the department of justice designated by the attorney
2 general.

3 3. Two public members.

4 (c) Of the members appointed under par. (b) 1., one member shall be a business
5 representative of a licensed cemetery authority organized or conducted for pecuniary
6 profit, one member shall be a business representative of a licensed cemetery
7 authority not organized or conducted for pecuniary profit, one member shall be a
8 business representative of a licensed cemetery authority that is a city, village, town,
9 or county, and no member may be a business representative of a religious cemetery
10 authority.

11 (d) No member of the cemetery board may serve more than 2 terms. "

#. Page 13, line 13 : after that line insert:

12 "SECTION 9. 20.165 (1) (q) of the statutes is created to read:

13 20.165 (1) (q) Cemetery and mausoleum trustee disbursements. From the
14 cemetery management insurance fund, a sum sufficient to make disbursements to
15 trustees under the rules promulgated under s. 157.117 (4) (a). "

#. Page 28, line 8 : after that line insert:

16 "SECTION 9. 25.17 (1) (at) of the statutes is created to read:

17 25.17 (1) (at) Cemetery management insurance fund (s. 25.86); "

#. Page 29, line 3 : after that line insert:

18 "SECTION 10. 25.86 of the statutes is created to read:

19 **25.86 Cemetery management insurance fund.** There is established a
20 separate nonlapsible trust fund designated as the cemetery management insurance
21 fund, to consist of each of the following:

22 (1) The moneys received from death certificate filing fees under s. 69.22 (1) (e).

23 (2) The moneys received from the issuance of copies of death certificates under

24 s. 69.22 (1) (f). "

#. Page 48, line 10 : after that line insert:

25 "SECTION 11. 60.61 (2) (j) of the statutes is created to read:

150g

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SECTION 11

1 60.61 (2) (j) Authorize burials under s. 157.066.

2 SECTION ~~12.~~ ^{150r} 62.23 (7) (c) of the statutes is amended to read:

3 62.23 (7) (c) *Purposes in view.* Such regulations shall be made in accordance
4 with a comprehensive plan and designed to lessen congestion in the streets; to secure
5 safety from fire, panic and other dangers; to promote health and the general welfare;
6 to provide adequate light and air, including access to sunlight for solar collectors and
7 to wind for wind energy systems; to encourage the protection of groundwater
8 resources; to prevent the overcrowding of land; to avoid undue concentration of
9 population; to facilitate the adequate provision of transportation, water, sewerage,
10 schools, parks and other public requirements; to authorize burials if an ordinance is
11 enacted under s. 157.066; and to preserve burial sites, as defined in s. 157.70 (1) (b).
12 Such regulations shall be made with reasonable consideration, among other things,
13 of the character of the district and its peculiar suitability for particular uses, and
14 with a view to conserving the value of buildings and encouraging the most
15 appropriate use of land throughout such city. ”

Page 53 line 16 after that line insert:

16 “ SECTION ~~13.~~ ^{155c} 69.18 (1) (bm) (intro.) of the statutes is amended to read:

17 69.18 (1) (bm) (intro.) A person required to file a certificate of death under par.
18 (b) shall obtain the information required for the certificate of death from the next of
19 kin or the best qualified person or source available. The person filing the certificate
20 of death shall enter his or her signature on the certificate and include his or her
21 address and the date of signing and shall present or mail the certificate, within 24
22 hours after being notified of the death, to the physician, coroner or medical examiner
23 responsible for completing and signing the medical certification under sub. (2).
24 Within 2 days after receipt of the medical certification under sub. (2), the person

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1 filing the certificate of death shall mail or present the certificate of death, together
2 with the fee required under s. 69.22 (1) (e), in:

3 SECTION ~~14~~ ^{155g} 69.18 (1) (bm) (intro.) of the statutes, as affected by 2001 Wisconsin
4 Act 16, is amended to read:

5 69.18 (1) (bm) (intro.) A person required to file a certificate of death under par.
6 (b) shall obtain the information required for the certificate of death from the next of
7 kin or the best qualified person or source available. The person filing the certificate
8 of death shall enter his or her signature on the certificate and include his or her
9 address and the date of signing and shall present or mail the certificate, within 24
10 hours after being notified of the death, to the physician, coroner or medical examiner
11 responsible for completing and signing the medical certification. Within 2 days after
12 receipt of the medical certification, the person filing the certificate of death shall mail
13 or present the certificate of death, together with the fee required under s. 69.22 (1)
14 (e), in:

15 SECTION ~~15~~ ¹⁵⁵ⁿ 69.22 (1) (a) of the statutes, as affected by 2001 Wisconsin Act 16,
16 is amended to read:

17 69.22 (1) (a) Except as provided under ~~par.~~ pars. (c) and (f), \$7 for issuing one
18 certified copy of a vital record and \$3 for any additional certified copy of the same
19 vital record issued at the same time.

20 SECTION ~~16~~ ^{155r} 69.22 (1) (e) and (f) of the statutes are created to read:

21 69.22 (1) (e) Ten dollars for receiving a death certificate filed by a person
22 required to file a certificate of death under s. 69.18 (1) (b), which shall be forwarded
23 to the state treasurer under sub. (1r).

24 (f) Eight dollars for issuing a copy of a death certificate, \$1 of which shall be
25 forwarded to the state treasurer under sub. (1r).

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1 SECTION ~~17~~^{155w}. 69.22 (1r) of the statutes is created to read:

2 69.22 (1r) By the 15th day of the first month following the end of a calendar
3 quarter, the state registrar and any person acting under this subchapter shall
4 forward to the state treasurer the amounts specified in sub. (1) (e) and (f) that are
5 received during the calendar quarter. The state treasurer shall credit all amounts
6 received under this subsection to the cemetery management insurance fund. ¹¹

Page 173, line 16 : after that line insert:

7 ~~SECTION 18~~^{338bc}. 157.061 (1) of the statutes is renumbered 157.061 (1c) and
8 amended to read:

9 157.061 (1c) "Burial" means entombment, inurnment ~~or~~, interment, or
10 placement in a mausoleum, vault, crypt, or columbarium.

11 SECTION ~~19~~^{338bg}. 157.061 (1b) of the statutes is created to read:

12 157.061 (1b) "Board" means the cemetery board.

13 SECTION ~~20~~^{338bl}. 157.061 (1d) of the statutes is created to read:

14 157.061 (1d) "Burial space" means a space that is used or intended to be used
15 for the burial of human remains and, when used in reference to the sale, purchase,
16 or ownership of a burial space, includes the right to bury human remains in the
17 burial space.

18 SECTION ~~21~~^{338bp}. 157.061 (1j) of the statutes is created to read:

19 157.061 (1j) "Business representative" has the meaning given in s. 452.01 (3k).

20 SECTION ~~22~~^{338bt}. 157.061 (1p) of the statutes is created to read:

21 157.061 (1p) "Cemetery" means a place that is dedicated to and used or
22 intended to be used for the final disposition of human remains.

23 SECTION ~~23~~^{338bx}. 157.061 (2m) of the statutes is amended to read:

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1 157.061 (2m) "Cemetery lot" means a grave or 2 or more contiguous graves and,
2 ~~when used in reference to the sale, purchase or ownership of a cemetery lot, includes~~
3 ~~the right to bury human remains in that cemetery lot.~~

4 SECTION ~~22~~^{338cc}. 157.061 (3) of the statutes is amended to read:

5 157.061 (3) "Cemetery merchandise" means goods associated with the burial
6 of human remains, including monuments, markers, nameplates, vases, and urns,
7 and any services that are associated with supplying or delivering those goods or with
8 the burial of human remains and that may be lawfully provided by a cemetery
9 authority, including opening and closing of a burial space. The term does not include
10 caskets or outer burial containers.

11 SECTION ~~23~~^{338cg}. 157.061 (3g) of the statutes is created to read:

12 157.061 (3g) "Columbarium" means a building, structure, or part of a building
13 or structure that is used or intended to be used for the inurnment of cremains.

14 SECTION ~~26~~^{338cl}. 157.061 (3r) of the statutes is created to read:

15 157.061 (3r) "Columbarium space" means a niche, crypt, or specific place in a
16 columbarium that contains or is intended to contain cremains.

17 SECTION ~~27~~^{338cp}. 157.061 (8g) of the statutes is created to read:

18 157.061 (8g) "Lawn crypt" means an interment space in chambers that are
19 preplaced at either a single depth or multiple depths and that are located primarily
20 underground.

21 SECTION ~~28~~^{338ct}. 157.061 (8r) of the statutes is created to read:

22 157.061 (8r) "Licensed cemetery authority" means a cemetery authority that
23 is licensed under s. 440.91 (1).

24 SECTION ~~29~~^{338cx}. 157.061 (11r) of the statutes is amended to read:

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SECTION 29

1 157.061 (11r) "Payment of principal" means the portion of a payment for the
2 purchase of ~~a cemetery lot~~, cemetery merchandise or a ~~mausoleum~~ burial space that
3 represents the principal amount owed by the purchaser for the ~~cemetery lot~~,
4 cemetery merchandise or ~~mausoleum~~ burial space, and does not include any portion
5 of the payment that represents any taxes, finance or interest charges, or insurance
6 premiums.

7 SECTION ~~30~~ ^{338dc} 157.061 (14m) of the statutes is created to read:

8 157.061 (14m) "Registered cemetery authority" means a cemetery authority
9 that is registered under s. 440.91 (1m).

10 SECTION ~~31~~ ^{338dg} 157.061 (15) of the statutes is amended to read:

11 157.061 (15) "Religious association" means any church, synagogue, or mosque
12 ~~or any incorporated college of a religious order, or religious society organized under~~
13 ch. 187.

14 SECTION ~~32~~ ^{338dl} 157.061 (15m) of the statutes is created to read:

15 157.061 (15m) "Religious cemetery authority" means a cemetery authority of
16 a cemetery owned and operated by a religious association.

17 SECTION ~~33~~ ^{338dp} 157.061 (17) of the statutes is amended to read:

18 157.061 (17) "Undeveloped space" means a mausoleum space, columbarium
19 space, or lawn crypt that is not ready for the burial of human remains on the date
20 of the sale of the mausoleum space, columbarium space, or lawn crypt.

21 SECTION ~~34~~ ^{338dt} 157.062 (1) of the statutes is amended to read:

22 157.062 (1) ORGANIZATION. Seven or more residents of the same county may
23 form a cemetery association. They shall meet, select a chairperson and secretary,
24 choose a name, fix the annual meeting date, and elect by ballot not less than 3 nor
25 more than 9 trustees whom the chairperson and secretary shall immediately divide

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1 by lot into 3 classes, who shall hold their offices for 1, 2, and 3 years, respectively.
2 Within 3 days, the chairperson and secretary shall certify the corporate name, the
3 names, home addresses and business addresses of the organizers and of the trustees,
4 and their classification, and the annual meeting date acknowledged by them, and,
5 ~~except as provided in sub. (9),~~ deliver the certification to the department of financial
6 institutions. The association then has the powers of a corporation.

7 SECTION ~~35~~^{338dx}. 157.062 (2) of the statutes is amended to read:

8 157.062 (2) AMENDMENTS. The association may change its name, the number
9 of trustees or the annual meeting date by resolution at an annual meeting, or special
10 meeting called for such purpose, by a majority vote of the members present, and,
11 ~~except as provided in sub. (9),~~ by delivering to the department of financial
12 institutions a copy of the resolution, with the date of adoption, certified by the
13 president and secretary or corresponding officers.

14 SECTION ~~36~~^{338ec}. 157.062 (3) of the statutes is amended to read:

15 157.062 (3) VALIDATION. When there shall have been a bona fide attempt to
16 organize a cemetery association, but a failure to record a properly drawn and
17 executed certificate of organization, and it has in good faith bought and platted
18 grounds and conveyed ~~cemetery lots~~ burial spaces and carried on business for over
19 25 years, the same shall be a body corporate from the date of conveyance to it of real
20 estate, and its transfers and other transactions are validated.

21 SECTION ~~37~~^{338eg}. 157.062 (4) (a) of the statutes is amended to read:

22 157.062 (4) (a) An annual election shall be held during the annual meeting.
23 The annual meeting, and any special meeting described in sub. (2), shall be held at
24 a place in the county chosen by the trustees upon public notice as required by the
25 bylaws. Trustees chosen after the first election shall be proprietors of ~~cemetery lots~~

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SECTION 37

1 burial spaces in the cemetery, residents of the state, and hold office for 3 years.
2 Election shall be by ballot and a plurality shall elect. Each owner of one or more
3 ~~cemetery lots~~ burial spaces is entitled to one vote, and one of several owners of a
4 ~~cemetery lot~~ burial space, designated by the majority of them, shall cast the vote.

5 SECTION ~~38~~. 157.062 (5) of the statutes is amended to read:

6 ~~338eL~~
7 157.062 (5) TRUSTEES; DUTIES, REPORT. The trustees may fill vacancies for the
8 unexpired term. One shall be chosen president, and they shall appoint a secretary
9 and treasurer, and may require security of the treasurer. The trustees shall manage
10 the affairs and property of the association and control and beautify the cemetery, and
11 may establish regulations for those purposes. The trustees shall make and file
12 written reports as required in s. 157.62 ~~(1) and (2)~~.

13 SECTION ~~39~~. 157.062 (6) (b) of the statutes is amended to read:

14 ~~338ep~~
15 157.062 (6) (b) If an association that has been dissolved under par. (a), or any
16 group that was never properly organized as a cemetery association, has cemetery
17 grounds and human remains are buried in the cemetery grounds, 5 or more
18 members, or persons interested as determined by order of the circuit judge under par.
19 (c), may publish a class 3 notice, under ch. 985, in the municipality in which the
20 cemetery is located, of the time, place, and object of the meeting, assemble, and
21 reorganize by the election of trustees and divide them into classes as provided in sub.
22 (1), the commencement of the terms to be computed from the next annual meeting
23 date. The secretary shall enter the proceedings of the meeting on the records. The
24 association is reorganized upon delivery of a copy of the proceedings to the
25 department of financial institutions, ~~except as provided in sub. (9)~~. Upon
reorganization, the title to the cemetery grounds, trust funds, and all other property
of the association or group vests in the reorganized association, under the control of

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1 the trustees. The reorganized association may continue the name of the dissolved
2 association or may adopt a new name.

3 SECTION ~~40~~^{338et}. 157.062 (6) (c) of the statutes is amended to read:

4 157.062 (6) (c) If an association is dissolved under par. (a) or any group has
5 never been properly organized as cemetery association, and there are fewer than 5
6 members living or residing in the county where the cemetery is located, the circuit
7 judge for the county shall upon the petition of any person interested, make an order
8 determining who are persons interested in the cemetery. Any adult person who owns
9 an interest in any ~~cemetery lot~~ burial space in the cemetery, who is related to any
10 person buried in the cemetery, or who is a descendant, brother, sister, nephew, niece,
11 or surviving spouse of a member of the dissolved association, is an interested person.
12 The circuit judge may make the order upon evidence he or she deems sufficient, with
13 or without hearing. The order need not contain the names of all persons interested,
14 but shall contain the names of at least 5 such persons.

15 SECTION ~~41~~^{338ex}. 157.062 (9) of the statutes is repealed.

16 SECTION ~~42~~^{338c}. 157.063 of the statutes is created to read:

17 **157.063 General duties and powers of board.** (1) In addition to the other
18 duties and powers of the board under this subchapter, the board shall do each of the
19 following:

20 (a) Advise the secretary of regulation and licensing on matters relating to
21 cemeteries, to this subchapter or subch. VIII of ch. 440, or to the board.

22 (b) Independently exercise its powers, duties, and functions that are specified
23 in this subchapter and subch. VIII of ch. 440.

24 (c) Be the supervising authority of all personnel, other than shared personnel,
25 engaged in the review, investigation, or handling of information regarding

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SECTION 42

1 investigations and disciplinary matters affecting persons who are registered or
2 licensed by the department under subch. VIII of ch. 440, or in the exercise of
3 administrative discretion with regard to the discipline of those persons.

4 (d) Maintain, in conjunction with the board's operations, in central locations
5 designated by the department, all records pertaining to the functions independently
6 retained by the board.

7 (e) Compile and keep current a register of the names and addresses of all
8 persons who are registered or licensed by the department under subch. VIII of ch. 440
9 that is retained by the department and that is available for public inspection during
10 the days specified in s. 230.35 (4) (a). The department may also make the register
11 available to the public by electronic transmission.

12 (2) The board does not have rule-making authority.

13 SECTION 43. 157.064 (2) of the statutes is amended to read:

14 157.064 (2) A cemetery or religious association incorporated in this state and
15 having a cemetery in or near a 1st or 2nd class city and any cemetery described under
16 s. 157.065 (3m) (d) may acquire by gift or purchase up to 30 acres of adjoining lands
17 for cemetery purposes, and may pay for it wholly or partly from its cemetery lot burial
18 space sales. 338FL

19 SECTION 44. 157.064 (6) of the statutes is amended to read:

20 157.064 (6) Whenever the majority of the members of a cemetery association,
21 or of a religious association authorized to hold lands for cemetery purposes, present
22 at an annual meeting or special meeting called for such purpose vote to convey all
23 of the cemetery association's or religious association's cemetery property, trust funds
24 and other property used for cemetery purposes to another cemetery association or
25 religious association, the trustees of the association shall transfer the property upon

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1 the acceptance of the transfer by the other association by affirmative vote of a
2 majority of its members present at an annual meeting or special meeting called for
3 that purpose. Upon such acceptance, the title to the cemetery property, trust funds
4 and other property of the transferring association vests in the accepting association
5 under the control of the trustees of the accepting association. A conveyance under
6 this subsection is subject to s. 157.08 (2). This subsection does not apply to a religious
7 ~~society organized under ch. 187 cemetery authority.~~

8 SECTION ~~45~~ 157.065 (1) (b) 4. of the statutes is repealed.
338fp

9 SECTION ~~46~~ 157.066 of the statutes is created to read:
338ft

10 **157.066 Burial spaces not located in cemeteries.** (1) A city, village, or
11 town may enact and enforce an ordinance that allows a person to bury human
12 remains in a burial space that is not located in a cemetery.

13 (2) Unless a city, village, or town has enacted an ordinance under sub. (1), no
14 person may bury human remains in the city, village, or town in a burial space that
15 is not located in a cemetery.

16 SECTION ~~47~~ 157.07 (1) of the statutes is amended to read:
338fx

17 157.07 (1) A cemetery authority shall cause to be surveyed and platted by a
18 land surveyor registered in this state those portions of the lands that are ~~from time~~
19 ~~to time required for burial used, after the effective date of this subsection~~ [revisor
20 inserts date]. for burials, into cemetery lots burial spaces, drives, and walks, and
21 record a plat or map of the land in the office of the register of deeds. The plat or map
22 may not be recorded unless laid out and platted to the satisfaction of the county board
23 of the county, and the town board of the town, in which the land is situated, or, if the
24 land is situated within a 1st class city, then only by the common council of that city.

25 SECTION ~~48~~ 157.07 (5) of the statutes is amended to read:
338gc

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1 157.07 (5) The cemetery authority may vacate or replat any portion of its
2 cemetery upon the filing of a petition with the circuit court describing the portion and
3 setting forth the facts and reasons therefor. The court shall fix a time for hearing and
4 direct publication of a class 3 notice, under ch. 985, and the court shall order a copy
5 of the notice to be mailed to at least one interested person, as to each separate parcel
6 involved, whose post-office address is known or can be ascertained with reasonable
7 diligence, at least 20 days before such hearing. If the court finds that the proposed
8 vacating or replatting is for the best interest of the cemetery authority and that the
9 rights of none to whom ~~cemetery lots~~ burial spaces have been conveyed will be
10 injured, it shall enter an order reciting the jurisdictional facts and its findings and
11 authorizing the vacating or replatting of the lands of the cemetery. The order shall
12 be effective when recorded by the register of deeds.

13 SECTION ~~49~~ ^{338gg} 157.07 (6) of the statutes is amended to read:

14 157.07 (6) This section does not apply to a religious ~~society organized under ch.~~
15 ~~187 cemetery authority.~~

16 SECTION ~~50~~ ^{338gl} 157.08 (1) of the statutes is amended to read:

17 157.08 (1) After the plat or map is recorded under s. 157.07, the cemetery
18 authority may sell and convey ~~cemetery lots~~ burial spaces. Conveyances shall be
19 signed by the chief officer of the cemetery authority, and by the secretary or clerk of
20 the cemetery authority, if any. Before delivering the conveyance to the grantee, the
21 cemetery authority shall enter on records kept for that purpose, the date and
22 consideration and the name and residence of the grantee. The conveyances may be
23 recorded with the register of deeds.

24 SECTION ~~51~~ ^{338gp} 157.08 (2) (a) of the statutes is amended to read:

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1 157.08 (2) (a) If a ~~cemetery lot or mausoleum~~ burial space is sold by a cemetery
2 authority and used or intended to be used for the burial of the human remains of the
3 purchaser or the purchaser's family members, the purchaser's interests in the
4 ownership of, title to, or right to use the ~~cemetery lot or mausoleum~~ burial space are
5 not affected or limited by any claims or liens of other persons against the cemetery
6 authority.

7 SECTION ~~52~~ ^{3389S} 157.08 (2) (b) of the statutes is renumbered 157.08 (2) (b) 1. (intro.)
8 and amended to read:

9 157.08 (2) (b) 1. (intro.) Before a cemetery authority ~~sells or encumbers any~~
10 ~~cemetery land, except for a sale described in par. (a)~~ takes any of the following
11 actions, the cemetery authority shall notify the department in writing ~~of the~~
12 ~~proposed sale or encumbrance.~~

13 3. If within 60 days after the department is notified ~~of the proposed sale or~~
14 ~~encumbrance~~ under subd. 1. the department notifies the cemetery authority in
15 writing that the department objects to the ~~sale or encumbrance~~ proposed action, the
16 cemetery authority may not ~~sell or encumber the cemetery land~~ take the action
17 unless the department subsequently notifies the cemetery authority in writing that
18 the objection is withdrawn.

19 4. The department may object to ~~a sale or encumbrance~~ an action under subd.
20 3. only if it determines that the cemetery authority will not be financially solvent or
21 that the rights and interests of owners of ~~cemetery lots and mausoleum~~ burial spaces
22 will not be adequately protected if the ~~sale or encumbrance occurs~~ action is taken.
23 The department shall promulgate rules that establish requirements and procedures
24 for making a determination under this subdivision.

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1 5. The department may, before the expiration of the 60-day period under subd.
2 3., notify the cemetery authority in writing that the department approves of the sale
3 or encumbrance action. Upon receipt of the department's written approval, the
4 cemetery authority may ~~sell or encumber the cemetery land~~ take the action and is
5 released of any liability under this paragraph.

6 6. The department shall make every effort to make determinations under this
7 paragraph in an expeditious manner.

8 SECTION ~~53~~ ^{338g} 157.08 (2) (b) 1. a., b., c. and d. of the statutes are created to read:

9 157.08 (2) (b) 1. a. Sells or encumbers any cemetery land, except for a sale
10 described in par. (a).

11 b. Transfers ownership or control of 50% or more of the assets or stock of the
12 cemetery.

13 c. Engages in a transaction that results in a person acquiring ownership or
14 control of 50% or more of the stock of the cemetery.

15 d. Transfers responsibility for management or operation of the cemetery
16 authority.

17 SECTION ~~54~~ ^{338g x} 157.08 (2) (b) 2. of the statutes is created to read:

18 157.08 (2) (b) 2. The department shall promulgate rules that specify the
19 documentation that must be submitted with a notification under subd. 1.

20 SECTION ~~55~~ ^{338hc} 157.08 (5) of the statutes is amended to read:

21 157.08 (5) Subsections (1) and (2) (b) do not apply to a religious society
22 ~~organized under ch. 187, cemetery authority~~ and sub. (2) (b) does not apply to a
23 cemetery authority that is not required to be ~~registered~~ licensed under s. 440.91 (1)
24 ~~and that is not organized or conducted for pecuniary profit.~~

25 SECTION ~~56~~ ^{338hg} 157.10 (title) of the statutes is amended to read:

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1 **157.10 (title) Alienation and use of cemetery lots burial spaces.**

2 **SECTION 57.** 157.10 of the statutes is renumbered 157.10 (1) (a) and amended
3 to read: *338hL*

4 157.10 (1) (a) ~~While~~ Except as provided in par. (b), while any person is buried
5 in a cemetery lot, ~~the cemetery lot~~ burial space, the burial space shall be inalienable,
6 ~~without the consent of~~ unless the cemetery authority, ~~and on the consents to a~~
7 conveyance of an interest in the burial space.

8 (2) Upon the death of the owner of a burial space, ownership of the cemetery
9 ~~lot~~ burial space shall descend to the owner's heirs; ~~but and~~ and any one or more of such
10 heirs may convey to any other heir his or her interest in the ~~cemetery lot, burial~~
11 space.

12 (3) No human remains may be buried in a cemetery lot burial space except the
13 human remains of one having an interest in the cemetery lot burial space, or a
14 brother, sister, or other relative, or the husband or wife of such person, or his or her
15 brother, sister, or other relative, except by the consent of all persons having an
16 interest in the ~~cemetery lot~~ burial space. This subsection does not apply to the burial
17 of human remains of an individual who is in a class of individuals who are prohibited
18 under regulations adopted by a religious cemetery authority or affiliated religious
19 association from being buried in a cemetery.

20 **SECTION 58.** 157.10 (1) (b) of the statutes is created to read:

21 157.10 (1) (b) *338hp* A person having an interest in a burial space may, after providing
22 written notice to the cemetery authority, convey the interest to his or her spouse,
23 child, brother, sister, or parent without the consent of the cemetery authority. This
24 paragraph does not apply if the spouse, child, brother, sister, or parent is in a class
25 of individuals who are prohibited under regulations adopted by a religious cemetery

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SECTION 58

1 authority or affiliated religious association from being buried in the cemetery in
2 which the burial space is located.

3 SECTION ~~59~~^{338ht}. 157.10 (4) of the statutes is created to read:

4 157.10 (4) The department shall promulgate rules that interpret the
5 requirements of this section and require any person who transfers an interest in a
6 burial space to provide the transferee with a written notice, prepared by the
7 department, that describes the requirements of this section.

8 SECTION ~~60~~^{338hx}. 157.11 (title) of the statutes is amended to read:

9 157.11 (title) **Improvement and care of cemetery lots burial spaces and**
10 **grounds.**

11 SECTION ~~61~~^{338ic}. 157.11 (1m) of the statutes is created to read:

12 157.11 (1m) DUTY TO MAINTAIN. A cemetery authority shall maintain a
13 cemetery, including burial spaces, grounds, landscaping, roads, parking lots, fences,
14 buildings, and other structures, in a reasonable manner at all times.

15 SECTION ~~62~~^{338ig}. 157.11 (2) of the statutes is amended to read:

16 157.11 (2) REGULATIONS. The cemetery authority may make regulations for
17 management and care of the cemetery. No person may plant, in the cemetery, trees
18 or shrubs, nor erect wooden fences or structures or offensive or dangerous structures
19 or monuments, nor maintain them if planted or erected in violation of the
20 regulations. The cemetery authority may require any person owning or controlling
21 a cemetery lot burial space to do anything necessary to comply with the regulations
22 by giving reasonable personal notice in writing if the person is a resident of the state,
23 otherwise by publishing a class 3 notice, under ch. 985, in the county. If the person
24 fails to comply within 20 days thereafter, the cemetery authority may cause it to be
25 done and recover from the person the expense. The cemetery authority may also

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1 impose a forfeiture not exceeding \$10 for violation of the regulations posted in 3
2 conspicuous places in the cemetery, recoverable under ch. 778. Each employee and
3 agent of the cemetery authority shall have constable powers in enforcing the
4 regulations.

5 SECTION ^{338iL}63. 157.11 (3) of the statutes is amended to read:

6 157.11 (3) CONTRACTS. The cemetery authority may contract with persons who
7 own or are interested in a ~~cemetery lot~~ burial space for its care. The contract shall
8 be in writing, may provide that the ~~cemetery lot~~ burial space shall be forever exempt
9 from taxes, assessments, or charges for its care and the care and preservation of the
10 grounds, shall express the duty of the cemetery authority, shall be recorded in a book
11 kept for that purpose, and shall be effective when the consideration is paid or
12 secured.

13 SECTION ^{338ip}64. 157.11 (4) of the statutes is amended to read:

14 157.11 (4) ASSOCIATIONS OF RELATIVES. Persons owning a ~~cemetery lot~~ burial
15 space or having relatives buried in a cemetery may incorporate an association to hold
16 and occupy a previously constituted cemetery, and to preserve and care for the same.
17 Section 157.062 shall apply to the association. Nothing in this subsection shall give
18 rights of burial. A municipality may lease a municipal cemetery to a cemetery
19 association for preservation and may contract to permit the association to use
20 cemetery funds therefor. Such leases and contracts may be revoked at will by the
21 municipal board.

22 SECTION ^{338it}65. 157.11 (5) of the statutes is amended to read:

23 157.11 (5) SUM REQUIRED. The cemetery authority shall annually fix the sum
24 necessary for the care of ~~cemetery lots~~ burial spaces and care and improvement of
25 the cemetery, or to produce a sufficient income for those purposes.

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1 SECTION ^{338ix}66. 157.11 (7) (a) of the statutes is amended to read:

2 157.11 (7) (a) The cemetery authority may annually assess upon the cemetery
3 lots burial spaces amounts not to exceed the amounts reasonably required for actual
4 and necessary costs for cleaning and care of ~~cemetery lots~~ burial spaces and care and
5 improvement of the cemetery. Notice of the assessment, along with a copy of this
6 section, shall be mailed to each owner or person having charge of a ~~cemetery lot~~
7 burial space, at the owner's or person's last-known post-office address, directing
8 payment to the cemetery authority within 30 days and specifying that such
9 assessments are a personal liability of the owner or person.

10 SECTION ^{338jc}67. 157.11 (7) (b) of the statutes is amended to read:

11 157.11 (7) (b) The cemetery authority may fix and determine the sum
12 reasonably necessary for the care of the ~~grave or cemetery lot~~ burial space in
13 reasonable and uniform amounts, which amounts shall be subject to the approval of
14 the court, and may collect those amounts as part of the funeral expenses.

15 SECTION ^{338jg}68. 157.11 (7) (c) of the statutes is amended to read:

16 157.11 (7) (c) Before ordering distribution of the estate of a deceased person,
17 the court shall order paid any assessment under this section, or the sum so fixed for
18 the care of the ~~cemetery lot or grave~~ burial space of the deceased.

19 SECTION ^{338jL}69. 157.11 (7) (d) of the statutes is amended to read:

20 157.11 (7) (d) When uniform care of a ~~cemetery lot~~ burial space has been given
21 for 2 consecutive years or more, for which assessments are unpaid, after notice as
22 provided in sub. (2), right to burial is forfeited until delinquent assessments are paid.
23 When uniform care has been given for 5 consecutive years or more and the
24 assessments are unpaid, upon like notice, title to all unoccupied parts of the ~~cemetery~~
25 ~~lot~~ burial space shall pass to the cemetery authority and may be sold, the payment

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1 of principal to be deposited into the care fund. Before depositing the payment of
2 principal into the care fund, the cemetery authority may retain an amount necessary
3 to cover the cemetery authority's administrative and other expenses related to the
4 sale, but the amount retained may not exceed 50% of the proceeds.

5 SECTION ^{338jp}~~70~~. 157.11 (8) of the statutes is repealed.

6 SECTION ^{338jt}~~71~~. 157.11 (9) (title) of the statutes is repealed and recreated to read:
7 157.11 (9) (title) GIFTS.

8 SECTION ^{338jx}~~72~~. 157.11 (9) (a) of the statutes is renumbered 157.11 (9) (b) and
9 amended to read:

10 157.11 (9) (b) ~~Before a cemetery authority receives a gift, the surety bonds of~~
11 ~~the cemetery authority shall be increased to cover such amount if it does not then do~~
12 ~~so. If the bonds are not filed, or the~~ If a cemetery authority fails to do anything
13 required by this subsection, the judge may appoint a trustee, and all property and
14 money so given in the manner described under par. (am) and evidences of title and
15 securities shall be delivered to the trustee.

16 SECTION ^{338kc}~~73~~. 157.11 (9) (am) of the statutes is created to read:

17 157.11 (9) (am) If a cemetery authority receives a gift for the improvement,
18 maintenance, repair, preservation, or ornamentation of any burial space or structure
19 in the cemetery, it shall either expend the income and proceeds of the gift or deposit
20 the proceeds into a trust account at a financial institution, as defined in s. 705.01 (3),
21 according to the terms of the gift and regulations of the cemetery authority. A
22 cemetery authority that receives a gift shall maintain a gift ledger that accounts for
23 all receipts and disbursements of gifts.

24 SECTION ^{338kg}~~74~~. 157.11 (9g) (title) of the statutes is amended to read:

25 157.11 (9g) (title) CARE FUND FOR ~~CEMETERY LOTS~~ BURIAL SPACES.

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30

1 SECTION ^{338kL}75. 157.11 (9g) (a) 1. (intro.) of the statutes, as affected by 2001
2 Wisconsin Act ... (Assembly Bill 513), is amended to read:

3 157.11 (9g) (a) 1. (intro.) Except as provided in ss. 66.0603 (1m) (c) and 157.19
4 (5) (b), funds that are received by a cemetery authority for the care of a cemetery lot
5 burial space shall be invested in one or more of the following manners:

6 SECTION ^{338kp}76. 157.11 (9g) (a) 1. c. of the statutes is amended to read:

7 157.11 (9g) (a) 1. c. If not invested as provided in subd. 1. a. or b., otherwise
8 deposited by the cemetery authority in an investment ~~approved by the department~~
9 if the care funds are segregated and invested separately from all other moneys held
10 by the cemetery authority and if the cemetery authority submits to the department
11 a written statement by an investment advisor licensed under ch. 551, or a broker, as
12 defined in s. 408.102 (1) (c), that the investment is made in accordance with the
13 standards specified in s. 881.01.

14 SECTION ^{338kt}77. 157.11 (9g) (a) 2. of the statutes is amended to read:

15 157.11 (9g) (a) 2. The manner in which the care funds are invested may not
16 permit the cemetery authority to withdraw the care fund's principal amount, but
17 may permit the withdrawal of interest, dividends, or capital gains earned during the
18 most recently completed calendar year. The income from the investment of a care
19 fund for the care of ~~cemetery lots~~ burial spaces may be used only to maintain the
20 ~~cemetery lots~~ burial spaces and grounds, except that if the amount of income exceeds
21 the amount necessary to maintain the ~~cemetery lots~~ burial spaces or grounds
22 properly, the excess amount may be used to maintain any other portion of the
23 cemetery, including mausoleums. If the care funds are deposited with a city or
24 county, or previously deposited with a village, there shall be paid to the cemetery
25 authority annually interest on funds so deposited of not less than 2% per year. The

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1 governing body of any city or county, or any village or town in the case of previous
2 deposits, may determine to return all or a part of any funds deposited by a cemetery
3 authority, and that cemetery authority shall accept the returned funds within 30
4 days after receiving written notice of that action. If the cemetery authority is
5 dissolved or becomes inoperative, the county or city shall use the interest on the
6 funds for the care and upkeep of the cemetery. Deposit shall be made and the income
7 paid over from time to time, not less frequently than once each year, and receipts in
8 triplicate shall be given, one filed with the county clerk, one with the cemetery
9 authority and one given to the person making the deposit. Deposits shall be in the
10 amount of \$5 or a multiple thereof. Records and receipts shall specify the cemetery
11 ~~lot~~ burial space for the care of which the deposit is made. Reports of money received
12 for care and of money and property received as gifts shall be made annually as
13 provided in s. 157.62 (2).

14 SECTION ~~79~~^{338 kx} 157.11 (9g) (c) of the statutes is amended to read:

15 157.11 (9g) (c) ~~Except as provided in sub. (11), any~~ Any cemetery authority that
16 sells a cemetery lot, lawn crypt, or columbarium space on or after November 1, 1991
17 the effective date of this paragraph [revisor inserts date], shall deposit 15% of each
18 payment of principal into a care fund under par. (a) within 30 days after the last day
19 of the month in which the payment is received, except as provided in sub. (7) (d) and
20 s. 157.115 (2) (f). The total amount deposited must equal 15% of the total amount of
21 all payments of principal that have been received, but not less than \$25.

22 SECTION ~~79~~^{338 Lc} 157.11 (10) of the statutes is amended to read:

23 157.11 (10) EXEMPTION FOR RELIGIOUS SOCIETIES CEMETERY AUTHORITIES.
24 Subsections (1) to (9), (9g) (a) and (b), (9m) and (9r) do not apply, but sub. (9g) (c) does
25 apply, to a religious ~~society organized under ch. 187~~ cemetery authority.

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1 SECTION ^{338Lg}~~80~~. 157.11 (11) of the statutes is repealed.

2 SECTION ^{338LL}~~81~~. 157.115 (title) of the statutes is amended to read:

3 157.115 (title) **Abandonment of cemeteries and cemetery lots burial**
4 **spaces.**

5 SECTION ^{338Lp}~~82~~. 157.115 (1) (b) 1. of the statutes is renumbered 157.115 (1) (b) and
6 amended to read:

7 157.115 (1) (b) ~~When a~~ If a municipality in which a cemetery is located
8 determines that the cemetery authority fails has failed to care for the cemetery for
9 a period of ~~one or more years~~ 6 months or more, the municipality ~~in which the~~
10 ~~cemetery is located~~ shall notify the cemetery authority that it has 90 days to correct
11 the failure. Upon a showing of good cause, the municipality may grant the cemetery
12 authority one 90-day extension to correct the failure. If the municipality finds that
13 the cemetery authority has failed to correct the failure within the deadline specified
14 in the notice or extension, the municipality may, after a public hearing, take control
15 of the cemetery, manage and care for the cemetery and, collect and manage all trust
16 funds connected with the cemetery other than trust funds received by a will, or take
17 any other action necessary to provide for the care of the cemetery. The municipality
18 may collect from the cemetery authority any costs incurred by the municipality in
19 exercising its authority under this paragraph.

20 SECTION ^{338Lt}~~83~~. 157.115 (1) (b) 2. of the statutes is repealed.

21 SECTION ^{338Lx}~~84~~. 157.115 (1) (c) of the statutes is repealed.

22 SECTION ^{338mc}~~85~~. 157.115 (1) (d) of the statutes is created to read:

23 157.115 (1) (d) Upon application by the department, a court may enjoin a
24 person from acquiring ownership or control of a cemetery if the person has

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1 abandoned another cemetery, or has owned or operated another cemetery that is
2 subsequently controlled by a municipality under par. (b).

3 ^{338 mg}
SECTION ~~86~~. 157.115 (2) (title) of the statutes is amended to read:

4 157.115 (2) (title) ABANDONMENT OF CEMETERY LOTS BURIAL SPACES.

5 ^{338 ml}
SECTION ~~87~~. 157.115 (2) (a) 1. (intro.) of the statutes is amended to read:

6 157.115 (2) (a) 1. (intro.) "Abandoned lot space" means one or more graves of
7 a cemetery lot burial spaces that is are not owned by the cemetery authority of the
8 cemetery in which the cemetery lot is burial spaces are located if those graves burial
9 spaces have not been used for the burial of human remains and if, according to the
10 records of the cemetery authority, all of the following apply during the 50-year period
11 immediately preceding the date on which the notice requirement under par. (c) is
12 satisfied:

13 ^{338 mp}
SECTION ~~88~~. 157.115 (2) (a) 1. a. of the statutes is amended to read:

14 157.115 (2) (a) 1. a. No owner has transferred any ownership interest in the
15 cemetery lot burial space to any other person.

16 ^{338 mt}
SECTION ~~89~~. 157.115 (2) (a) 1. b. of the statutes is amended to read:

17 157.115 (2) (a) 1. b. No owner has purchased or sold another cemetery lot or a
18 mausoleum burial space in the cemetery.

19 ^{338 mx}
SECTION ~~90~~. 157.115 (2) (a) 1. c. of the statutes is amended to read:

20 157.115 (2) (a) 1. c. No other grave in that cemetery lot burial space or adjoining
21 cemetery lot or adjoining mausoleum burial space that is owned or partially owned
22 by an owner has been used for the burial of human remains.

23 ^{338 nc}
SECTION ~~91~~. 157.115 (2) (a) 1. d. of the statutes is amended to read:

24 157.115 (2) (a) 1. d. No grave marker, monument, or other memorial has been
25 installed on the cemetery lot burial space.

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SECTION 92

1 ^{338ng}
SECTION ~~92~~. 157.115 (2) (a) 1. e. of the statutes is amended to read:

2 157.115 (2) (a) 1. e. No grave marker, monument, or other memorial has been
3 installed on any other ~~cemetery lot~~ burial space, in the same cemetery, that is owned
4 or partially owned by an owner.

5 ^{338nl}
SECTION ~~93~~. 157.115 (2) (a) 1. g. of the statutes is amended to read:

6 157.115 (2) (a) 1. g. The cemetery authority has not been contacted by an owner
7 or assignee or received any other notice or evidence to suggest that an owner or
8 assignee intends to use the ~~cemetery lot~~ burial space for a future burial of human
9 remains.

10 ^{338np}
SECTION ~~94~~. 157.115 (2) (a) 2. of the statutes is amended to read:

11 157.115 (2) (a) 2. "Assignee" means a person who has been assigned in the
12 deceased owner's will or in any other legally binding written agreement, or who is
13 entitled to receive under ch. 852, an ownership interest in the abandoned ~~cemetery~~
14 lot space.

15 ^{338nt}
SECTION ~~95~~. 157.115 (2) (a) 3. of the statutes is amended to read:

16 157.115 (2) (a) 3. "Owner" means a person who, according to the records of the
17 cemetery authority of the cemetery in which an abandoned ~~cemetery lot~~ space is
18 located, owns or partially owns the abandoned ~~cemetery lot~~ space.

19 ^{338nx}
SECTION ~~96~~. 157.115 (2) (b) of the statutes is amended to read:

20 157.115 (2) (b) No cemetery authority may resell an abandoned ~~cemetery lot~~
21 space unless the cemetery authority complies with the requirements in this
22 subsection or the abandoned space is sold by a trustee under s. 157.117.

23 ^{338oc}
SECTION ~~97~~. 157.115 (2) (c) of the statutes is amended to read:

24 157.115 (2) (c) The cemetery authority shall mail to each owner, at each owner's
25 last-known address, a notice of the cemetery authority's intent to resell the

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1 abandoned cemetery ~~lot~~ space as provided in this subsection. If an owner is buried
2 in the cemetery in which the abandoned cemetery ~~lot~~ space is located or if the
3 cemetery authority has any other evidence that reasonably supports a
4 determination by the cemetery authority that the owner is deceased, no notice is
5 required under this paragraph.

6 SECTION ^{3380g} ~~98~~. 157.115 (2) (d) (intro.) of the statutes is amended to read:

7 157.115 (2) (d) (intro.) If no notice is required under par. (c) or if, within 60 days
8 after notice is mailed under par. (c), no owner or assignee contacts the cemetery
9 authority to express an intent to use the abandoned cemetery ~~lot~~ space for a future
10 burial of human remains, the cemetery authority shall publish in a newspaper of
11 general circulation in the county in which the abandoned ~~lot~~ space is located, a class
12 3 notice under ch. 985 that includes all of the following:

13 SECTION ^{3380L} ~~99~~. 157.115 (2) (d) 1. of the statutes is amended to read:

14 157.115 (2) (d) 1. The location of the abandoned ~~lot~~ space.

15 SECTION ~~100~~ ^{3380p}. 157.115 (2) (d) 3. of the statutes is amended to read:

16 157.115 (2) (d) 3. A statement that, unless an owner or assignee contacts the
17 cemetery authority within the period specified in par. (e), the cemetery authority
18 intends to resell the abandoned ~~lot~~ space as provided in this subsection.

19 SECTION ~~101~~ ^{3380t}. 157.115 (2) (e) of the statutes is amended to read:

20 157.115 (2) (e) If within 60 days after notice is published under par. (c) no owner
21 or assignee contacts the cemetery authority to express an intent to use the
22 abandoned ~~lot~~ space for a future burial of human remains, the cemetery authority
23 shall bring an action in the circuit court of the county in which the abandoned ~~lot~~
24 space is located for a judgment that the cemetery ~~lot~~ burial space is an abandoned

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SECTION 101

1 let space and an order transferring ownership of the abandoned let space to the
2 cemetery authority.

338ox

3 SECTION ~~102~~. 157.115 (2) (f) of the statutes is amended to read:

4 157.115 (2) (f) If within one year after the circuit court enters a judgment and
5 order under par. (e) no owner or assignee contacts the cemetery authority to express
6 an intent to use the abandoned let space for a future burial of human remains, the
7 cemetery authority may resell the abandoned let space, except as provided in par. (g).
8 The payment of principal shall be deposited into the care fund. Before depositing the
9 payment of principal into the care fund, the cemetery authority may retain an
10 amount necessary to cover the cemetery authority's administrative and other
11 expenses related to the sale, but the amount retained may not exceed 50% of the
12 proceeds.

338pc

13 SECTION ~~103~~. 157.115 (2) (g) of the statutes is amended to read:

14 157.115 (2) (g) If at any time before an abandoned let space is resold under par.
15 (f) an owner or assignee contacts the cemetery authority to express an intent to use
16 the abandoned let space for a future burial of human remains, the authority may not
17 resell the abandoned let space, and ownership of the abandoned let space shall be
18 transferred to the owner or assignee. The cemetery authority shall pay all costs of
19 transferring ownership under this paragraph.

338pg

20 SECTION ~~104~~. 157.115 (2) (h) of the statutes is amended to read:

21 157.115 (2) (h) Nothing in this subsection prohibits a cemetery authority from
22 seeking the authority to resell more than one abandoned let space by publishing a
23 single class 3 notice under par. (d) or bringing a single action under par. (e) that
24 applies to all of the abandoned lets spaces for which such authority is sought.

25 SECTION ~~105~~. 157.117 of the statutes is created to read:

338pL

ASSEMBLY BILL 776**157.117 Trustees for certain cemeteries and mausoleums. (1)**

DEFINITIONS. In this section:

(a) "Cemetery" does not include a cemetery the ownership, control, or management of which has been assumed by a municipality. For purposes of this paragraph, a municipality is considered to have assumed the ownership, control, or management of a cemetery only if the municipality has adopted a resolution or enacted an ordinance that has the effect of assuming ownership, control, or management of the cemetery. "Cemetery" also does not include a cemetery owned and operated by a religious cemetery authority.

(b) "Local governmental unit" means a municipality or county.

(c) "Mausoleum" does not include a mausoleum owned and operated by a religious cemetery authority.

(d) "Municipality" means a city, village, or town.

(e) "Trustee" means a trustee appointed under sub. (2) (b).

(2) APPOINTMENT OF TRUSTEE. (a) In response to a petition from the board or upon his or her own motion, the attorney general may petition the circuit court for the county in which a cemetery or mausoleum is located for the appointment of a trustee for the cemetery or mausoleum. If the attorney general petitions the court on his or her own motion, the attorney general shall serve a copy of the petition on the board and the municipality and county within which the cemetery is located.

(b) A court shall schedule a hearing on a petition filed under par. (a) within 90 days after the petition is filed with the court. If the court finds after a hearing that a cemetery or mausoleum is neglected, abandoned, in disuse, improperly maintained, or financially unsound, the court shall appoint as a trustee for the cemetery or mausoleum a capable and competent person to serve as trustee of the

ASSEMBLY BILL 776**SECTION 105**

1 cemetery or mausoleum under this section, except that the court may not appoint the
2 department or board as a trustee.

3 (c) An owner of a cemetery or mausoleum may petition the court in a proceeding
4 under par. (b) for an order surrendering title to the cemetery or mausoleum to a new
5 owner, other than the state, if the owner believes itself to be incapable of continuing
6 to operate the cemetery or mausoleum. The court may grant the petition if it finds
7 that the cemetery or mausoleum is neglected, abandoned, in disuse, improperly
8 maintained, or financially unsound. If the court grants the petition, it shall transfer
9 title to the cemetery or mausoleum to the new owner and appoint a trustee under par.
10 (b).

11 (d) All disputes relating to the appointment of a trustee or the actions of a
12 trustee appointed under this section shall be resolved by the court that appointed the
13 trustee.

14 **(3) TRUSTEE POWERS AND DUTIES.** (a) A trustee shall do each of the following:

15 1. Be responsible for the management, maintenance, and operation of each
16 cemetery or mausoleum under trusteeship.

17 2. Comply with reporting requirements of s. 157.62 (2). A trustee shall provide
18 the court with a copy of all reports filed under this subdivision.

19 3. Provide the court with any additional information, records, or reports that
20 the court may direct.

21 (b) A trustee may petition the court that appointed the trustee for any of the
22 following:

23 1. Termination of the trusteeship and reversion of ownership and operation of
24 a cemetery or mausoleum to the previous owner.

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1 2. Termination of the trusteeship and transfer of ownership and operation of
2 a cemetery or mausoleum to a new owner other than the state.

3 3. Removal and reinternment of human remains in accordance with the
4 requirements of this subchapter.

5 4. Termination of the trusteeship and closure of a cemetery or mausoleum after
6 removal and reinternment of human remains under subd. 3.

7 (c) A trustee may do any of the following:

8 1. Seek a new owner or operator of a cemetery or mausoleum, other than the
9 state, including actively marketing the cemetery or mausoleum and taking any other
10 action necessary or useful to effect the sale of the cemetery or mausoleum.

11 2. Assess burial spaces for cleaning, care, or improvement under s. 157.11 (7).

12 3. Expend funds disbursed from the cemetery management insurance fund for
13 the purpose of exercising its powers or carrying out its duties under this section.

14 4. Employ professional, legal, and technical experts, and any such other
15 managers, management personnel, agents, and employees as may be required, to
16 exercise the trustee's powers or carry out the trustee's duties under this section.

17 5. Take any other action necessary or useful to the management or trusteeship
18 of a cemetery or mausoleum.

19 **(4) DEPARTMENT AND BOARD POWERS AND DUTIES.** (a) From the appropriation
20 under s. 20.165 (1) (q), the board shall make disbursements to trustees. The
21 department shall promulgate rules establishing requirements and procedures for
22 making the disbursements.

23 (b) The department may promulgate rules to carry out the purposes of this
24 section.

ASSEMBLY BILL 776**SECTION 105**

1 (5) TERMINATION OF TRUSTEESHIP. A court that appointed a trustee shall
2 terminate the trusteeship if any of the following applies:

3 (a) The owner or operator of a cemetery or mausoleum demonstrates to the
4 satisfaction of the court that the conditions that necessitated the trusteeship have
5 been remedied and that it is competent and capable of managing the cemetery or
6 mausoleum.

7 (b) The court finds that a new operator is competent and capable of managing
8 the cemetery or mausoleum. Upon making a finding under this paragraph, the court
9 shall approve the transfer of the management of the cemetery or mausoleum to the
10 new operator.

11 (c) The court approves the sale or transfer of a cemetery or mausoleum to a new
12 owner, other than the state, that the court finds is capable and competent to manage
13 the cemetery or mausoleum on a financially sound basis.

14 (d) The court approves the closure of a cemetery or mausoleum after all human
15 remains have been removed and reinterred.

16 ~~SECTION 105.~~ ^{338 pr} 157.12 (2) (b) of the statutes is amended to read:

17 157.12 (2) (b) The department shall supervise construction of any public
18 mausoleum and conversion of any building to a public mausoleum. Within 30 days
19 after receiving written notice from the cemetery authority that the construction or
20 conversion has been completed, the department shall inspect the public mausoleum
21 and provide the cemetery authority with a written certification as to whether the
22 construction or conversion complies with approved plans. If the department
23 determines that, except for certain minor defects, the construction or conversion
24 complies with the approved plans, the department may provide the cemetery
25 authority with a written temporary certification of compliance that is contingent on

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1 the correction of those minor defects. A temporary certification is valid for a period
2 designated by the department, not to exceed 6 months. No person may sell a
3 mausoleum space, except an undeveloped space that is sold in accordance with ~~s. ss.~~
4 440.92 and 440.922, or bury human remains in a public mausoleum unless a care
5 fund has been established for the mausoleum under sub. (3) and the department has
6 provided the cemetery authority with a certification or a temporary certification
7 under this paragraph. If a cemetery authority that has been provided with a
8 temporary certification notifies the department in writing before the date on which
9 the temporary certification expires that the defects in the construction or conversion
10 of the public mausoleum have been corrected, the department shall, within 30 days
11 after receiving the notice, reinspect the public mausoleum and provide the cemetery
12 authority with a written certification as to whether the construction or conversion
13 complies with the approved plans. If a cemetery authority that has been provided
14 with a temporary certification does not receive a written certification from the
15 department before the date on which the temporary certification expires that the
16 construction or conversion complies with the approved plans, then, beginning on the
17 date on which the certification expires, no person may sell a mausoleum space, except
18 an undeveloped space that is sold in accordance with ~~s. ss.~~ 440.92 and 440.922, or
19 bury human remains in the public mausoleum until the defects are corrected and the
20 department subsequently inspects the public mausoleum and provides the cemetery
21 authority with a certification that the construction or conversion complies with the
22 approved plans. The department may charge a reasonable fee to the cemetery
23 authority for each inspection and certification provided under this paragraph if the
24 inspection and certification are provided within the applicable 30-day period
25 prescribed under this paragraph.